

3764



PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

| | | |
|--|----------------------|------------------------|
| | Application Number | 09/712,305 |
| | Filing Date | November 13, 2000 |
| | First Named Inventor | Hieu T. Nguyen |
| | Art Unit | 3764 |
| | Examiner Name | Donnelly, Jerome W. |
| Total Number of Pages in This Submission | 2 | Attorney Docket Number |
| | | NUY 301 |

| ENCLOSURES (Check all that apply) | | |
|---|---|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <div style="border: 1px solid black; padding: 2px;">Remarks</div> | <input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Amendment/Reply is in the form of a Response to Restriction Requirement |

RECEIVED

NOV 18 2003

TECHNOLOGY CENTER R3700

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|-------------------------|---|
| Firm or Individual name | David E. Hall Kolisch Hartwell, P.C. |
| Signature | |
| Date | November 7, 2003 |

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

| | | |
|-----------------------|------------------|-----------------------|
| Typed or printed name | Mandi M. Leighty | |
| Signature | | Date November 7, 2003 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application Of:

HIEU T. NGUYEN

Dated: November 7, 2003

Serial No. : 09/712,305

Group Art Unit: 3764

Filing Date : November 13, 2000

Examiner: Donnelly, Jerome W.

For : EXERCISE APPARATUS

MAIL STOP: NON-FEE RESPONSES

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

The following election and remarks are responsive to the Restriction Requirement dated October 9, 2003 restricting the above identified patent application and requiring election of a single group of claims for prosecution under 35 U.S.C. § 121.

Applicant hereby elects Group I, claims 1-47 and 49-60, for prosecution, without traverse.

REMARKS

In the Communication dated October 9, 2003, a Restriction Requirement was placed on the application, requiring election of one of the following groups for prosecution under 35 U.S.C. § 121.

- I. Claims 1-47 and 49-60; and
- II. Claim 48

#8
ELECTION
S. Bryce
11/8/03
*RECEIVED
NOV 18 2003
TECHNOLOGY CENTER R3700*